

PROB 12B  
(7/93)

**United States District Court**  
**for**  
**District of New Jersey**

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Al-Khabir Diggs

Cr.: 05-00301-001

Name of Sentencing Judicial Officer: Honorable Faith S. Hochberg, U.S. District Judge

Date of Original Sentence: 02/08/06

Original Offense: Conspiracy to Steal Government Funds

Original Sentence: time served; 2 years supervised release; \$100 special assessment. Special Condition of cooperation in the collection of DNA.

Type of Supervision: Supervised ReleaseDate Supervision Commenced: 02/08/06

**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 1) The defendant shall reside for a period of 2 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.
- 2) The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

**CAUSE**

On March 14, 2006, Diggs was arrested by the Montclair Police Department and issued a complaint charging him with receiving stolen property. Officers initiated a motor vehicle traffic stop and discovered Diggs was operating a vehicle with a suspended driver's license. A search of the automobile revealed a quantity of stolen checks. Diggs had \$461 on his person when arrested.

On February 15, 2006, during an office visit with the undersigned probation officer, Diggs admitted smoking marijuana on two separate occasions during the first week of February 2006, while pending sentencing as an inmate within Passaic County Jail. He signed an Admission of Drug Usage Form.

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Al-Khabir Diggs

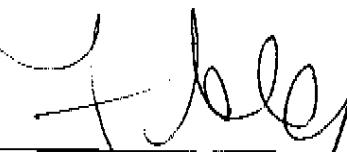
Respectfully submitted,



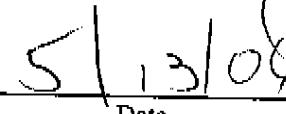
By: Joseph Emporio  
U.S. Probation Officer  
Date: 03/11/06

  
**THE COURT ORDERS:**

The Modification of Conditions as Noted Above  
 No Action  
 Other



Signature of Judicial Officer



Date

PROB 49  
(3/89)

**UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF NEW JERSEY**

**Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall reside for a period of 2 months in a community corrections center, halfway house or similar residential facility and shall observe all the rules of that facility. The defendant shall be eligible for weekend privileges. The defendant shall pay subsistence as required by the program.

The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office.

Witness: Joseph Emporio  
U.S. Probation Officer  
Joseph Emporio

Signed: Al-Khabir Diggs  
Probationer or Supervised Releasee  
Al-Khabir Diggs

5/11/06

DATE

*Mark Dyanville  
5/11/06 -*